HIGH COURT OF CHHATTISGARH AT BILASPUR

Division Bench

Coram : **Hon'ble Shri Jagdish Bhalla, Ag. C.J. and**
Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Writ Petition (C) No.6629/2007

Petitioner

M/s North West Sales & Marketing Ltd. (formerly known as M/s. North West Leasing Ltd.), a Company incorporated under the Companies Act, 1956 having its office at C-72, Shivaji Park, Punjabi Bagh, New Delhi – 110 026.

versus

Respondents

1. Coal India Limited, a Company incorporated under the Companies Act, 1956, having its office at 10, Netaji Subhash Road, Kolkatta – 700001 through its Chairman.

2. South Eastern Coalfields Ltd. (A subsidiary Company of Coal India Ltd.), Company incorporated under the Companies Act, 1956, having its office at Seepat Road, Bilaspur through Chairman-cum-Managing Director.

3. General Manager (S&M) South Eastern Coalfields Ltd., Seepat Road, Bilaspur (Chhattisgarh)

4. M/s Metal Junction Service Ltd., Company incorporated Under the Companies Act, 1956, having its office at Tata Centre, 43, Jawahar Lal Nehru Road, Kolkatta Through its Senior General Manager Shri Vinaya Varma.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS, PROBHITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

Present :
Shri Manindra Shrivastava, Senior Counsel with Shri Amrito Das and Shri Akhilesh Dalpati, counsel for the petitioner.
Shri P. Sam Koshy, counsel for the [illegible]ondents No.1 to 3.

ORAL ORDER

(Passed on 6th of November, 2007)

The following oral order of the Court was passed by **Hon'ble Shri Jagdish Bhalla, Acting C.J.** :

Heard learned counsel for the parties.

It has been submitted by Shri Manindra Shrivastava, learned counsel appearing on behalf of the petitioner-Company that the writ petition is directed against the order of blacklisting dated 3rd October 2007. It has been further submitted that the petitioner-Company has been blacklisted on certain recommendations made by respondent No.4. It has also been submitted that no opportunity has been provided to the petitioner-Company, therefore, learned counsel for the petitioner-Company alleges violation of principles of natural justice and relies on decisions rendered in ***M/s Erusion Equipment & Chemicals Ltd.*** **v.** ***State of West Bengal,*** **AIR 1975 SC 266** and ***Maneka Gandhi*** **v.** ***Union of India,*** **AIR 1978 SC 597.**

On behalf of respondent Nos. 1 to 3, Shri P. S. Koshy, learned counsel submitted that the authorities of S.E.C.L. deemed it fit that the blacklisting can be done on the recommendations of respondent No.4, therefore, order dated 03.10.2007 was passed against the petitioner-Company.

In the light of the fact that no opportunity has been provided to the petitioner-Company, therefore, the writ petition can be finally disposed of, as suggested by Shri P.S.Koshy, learned counsel for respondents No.1 to 3. Accordingly, the impugned order dated 3.10.2007, which suffers from illegality, is set aside only as far as the petitioner-Company is concerned, without further making any

observation on the merit of the matter except that reasonable opportunity should have been given to the petitioner-Company to defend itself before passing of order of blacklisting.

It is open for the authorities of S.E.C.L. concerned to afford an opportunity to the petitioner-Company in accordance with law and decide the matter expeditiously, if they so desire. However, on the basis of recommendations, the authorities of S.E.C.L. may proceed in the matter.

With the aforesaid observation, the writ petition is disposed of.

Shri P. S. Koshy, learned counsel for the petitioner-Company shall inform the authorities of S.E.C.L. concerned about this order. However, it would be open for the counsel for the petitioner-Company to file an affidavit to the extent that the writ petition challenging the impugned order dated 3.10.2007 has been decided and the impugned order has been set aside in presence of Shri P.S. Koshy, learned counsel for respondents No.1 to 3.

Counsel for the petitioner undertakes that the petitioner will co-operate with the authorities concerned in any enquiry, if instituted.

Sd/-
Jagdish Bhalla
Ag. Chief Justice

Sd-/
Dilip Raosaheb Deshmukh
Judge